

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL BUSH

Plaintiff

v.

THE WANG CENTER FOR THE PERFORMING
ARTS, INC.

d.b.a. Boch Center

Defendant

CIVIL ACTION NO: _____
1:22-cv-10473-GAO

ASSENTED-TO MOTION TO REMOVE DEFAULT

Upon review of Federal Rule of Civil Procedure 81(c)(2)—which allowed Defendant to respond to the complaint within “7 days after the notice of removal [was] filed” on March 30, 2022—and Federal Rule of Civil Procedure 55(a) —which allows entry of default only against a party that “has failed to plead or otherwise defend”—Plaintiff acknowledges that Defendant defended the complaint by timely filing and serving a motion to dismiss the complaint [dckt 5 & 6] on April 5, 2022. As a result, Plaintiff’s request for entry of default [dckt 9] was filed in error and there was no basis for an entry of default.

WHEREFORE, Plaintiff, with Defendant’s assent, requests:

- A. That the resulting Default entered against Defendant [dckt 10] be removed from the docket; and
- B. That the resulting Standing Order regarding motions for default judgment [dckt 11] be withdrawn.

Respectfully submitted,
The Plaintiff
By his attorney,

DATED: April 20, 2022

/s/ Richard C. Chambers, Jr., Esq.
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CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and will therefore be sent electronically to the registered participants as identified on the Notice of Electric Filing (NEF) and paper copies will be sent this day to those participants indicated as non-registered participants.

DATED: April 20, 2022

/s/ Richard C. Chambers, Jr., Esq.
Richard C. Chambers, Jr., Esq.